IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.42381 of 2008
MANTU @ MD.YUNUS ANSARI SON OF IDRIS ANSARI
RESIDENT OF VILLAGE + P.O.BRAHIMPUR,P.S.MASHRAK,DISTRICT CHAPRA
Versus
STATE OF BIHAR
With
Cr.Misc. No.37654 of 2008
1.DABLOO @ RAFIUDDIN HAIDAR SON OF HAIDAR MIAN
2.AYUB ANSHARI SON OF LATE HAMID MIYAN
BOTH RESIDENT OF VILLAGE BRAHIMPUR,P.S.MASHRAKH,DISTRICT SARAN,CHAPRA
Versus
STATE OF BIHAR

2/ 23.10.2008 Since both the above applications arise out of one and the same police case, they have been heard together and are being disposed of by this common order.

The petitioners are accused of a case which was initially registered for offences under Sections 323,324 and 341/34 of the Indian Penal Code and later on after death of one injured Sections 147,148,149,307 and 302 of the Indian Penal Code were added by order dated 27.5.2008.

Allegation is that while the informant Tabir Hussain alias Shatrughan Miyan was returning after closing his shop, Dablu Mian assaulted him with farsa on his head and Gafoor Mian , petitioner Ayub Ansari and Shahid Ansari also assaulted him with lathis and when Jabbar Mian came for rescue the informant, he was assaulted by Ashfaque Ansari with lathi, Idrish Ansari with the bhala, Gehun Ansari with lathi and Buchun Ansari with lathi in his stomach. Later on injured Jabbar Mian died.

Submission is that father of petitioner Rafiuddin Haider was killed by Reyazuddin son of the informant of this case and Shabbir Hussain for which a

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case under Section 302 and other Sections of the Indian Penal code was registered. Further submission is that the injuries on the person of the injured were not of such nature which can be said to be intention or knowledge that the injuries may cause death of the deceased. The injured deceased was 70 years of age and he died of natural death. It is also stated that there is case and counter case and on both sides murder took place.

Considering the facts and circumstances of the case, let the above named petitioners of both the applications be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saran at Chapra in Mashrak P.S.Case No. 62 of 2008.

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Tahir/- **(Shyam Kishore Sharma, J.)**